



# GUIDE

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION,  
Wellness & Nutrition Services Division  
FEDERAL AND STATE CHILD NUTRITION PROGRAMS  
2014 – 2015

## CONTENT:

	Page
School Lunch .....	3
School Breakfast .....	4
Afterschool Snack .....	4
Fresh Fruit & Vegetable (FFVP) .....	5
USDA Foods (Commodities) .....	5
Supper .....	5
Healthy School Act (HSA) .....	5
School Programs Agreement/Application .....	6
FARM Application .....	6
Procurement .....	7
Local Wellness Policy .....	8
Water during Meal Service .....	8
Reimbursement .....	9
Civil Rights .....	11
Food Safety Plan .....	13
Food Sanitation Inspections .....	14
Record Retention .....	14
Cooperation with Research and Evaluation .....	14
Use of Funds in the Nonprofit School Food Service Account ....	15

## SCHOOL LUNCH:

### **1. What is the National School Lunch Program?**

The National School Lunch Program (NSLP) is a federally assisted meal program operating in over 100,000 public and non-profit private schools and residential child care institutions. It provided nutritionally balanced, low-cost or free lunches to more than 31 million children each school day in 2011. In 1998, Congress expanded the National School Lunch Program to include reimbursement for snacks served to children in afterschool educational and enrichment programs to include children through 18 years of age. The Food and Nutrition Service administers the program at the Federal level. At the State level, the NSLP is usually administered by State education agencies, which operate the program through agreements with school food authorities.

### **2. How does the National School Lunch Program work?**

Generally, public or nonprofit private schools of high school grade or under and public or nonprofit private residential child care institutions may participate in the school lunch program. School districts and independent schools that choose to take part in the lunch program get cash subsidies and USDA foods from the U.S. Department of Agriculture (USDA) for each meal they serve. In return, they must serve lunches that meet Federal requirements, and they must offer free or reduced price lunches to eligible children. School food authorities can also be reimbursed for snacks served to children through age 18 in afterschool educational or enrichment programs.

### **3. What are the nutritional requirements for School Lunches?**

The Healthy, Hunger-Free Kids Act (HHFKA) of 2010 directed USDA to update the NSLP's meal pattern and nutrition standards based on the latest *Dietary Guidelines for Americans*. The new meal pattern goes into effect at the beginning of SY 2012-13, and increases the availability of fruits, vegetables, and whole grains in the school menu. New dietary specifications set specific calorie limits to ensure age-appropriate meals for grades K-5, 6-8, and 9-12. Other meal enhancements include gradual reductions in the sodium content of the meals (sodium targets must be reached by SY 2014-15, SY 2017-18 and SY 2022-23). While school lunches must meet Federal meal requirements, decisions about what specific foods to serve and how they are prepared are made by local school food authorities

## **SCHOOL BREAKFAST PROGRAM:**

### **1. *What is the School Breakfast Program?***

The School Breakfast Program is a federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. It began as a pilot project in 1966, and was made permanent in 1975. The School Breakfast Program is administered at the Federal level by the Food and Nutrition Service. At the State level, the program is usually administered by State education agencies, which operate the program through agreements with local school food authorities in more than 89,000 schools and institutions.

### **2. *How does the School Breakfast Program work?***

The School Breakfast Program operates in the same manner as the National School Lunch Program. Generally, public or nonprofit private schools of high school grade or under and public or nonprofit private residential child care institutions may participate in the School Breakfast Program. School districts and independent schools that choose to take part in the breakfast program receive cash subsidies from the U.S. Department of Agriculture (USDA) for each meal they serve. In return, they must serve breakfasts that meet Federal requirements, and they must offer free or reduced price breakfasts to eligible children.

### **3. *What are the meal requirements for School Breakfast?***

The Healthy, Hunger-Free Kids Act of 2010 directed USDA to update the School Breakfast Program (SBP) meal pattern and nutrition standards based on the latest *Dietary Guidelines for Americans*. Changes to the SBP meal pattern will take place gradually beginning in SY 2013-14. More whole grains will be offered; meals will supply appropriate calories for grades K-5, 6-8, and 9-12; and the sodium content of meals will be gradually reduced (sodium targets must be reached by SY 2014-15, SY 2017-18 and SY 2022-23). More fruit will be offered to students beginning SY 2014-15. While the previous SBP meal pattern is still in effect for SY 2012-13, school food authorities are encouraged to prepare for the required implementation of the new meal requirements next school year. All school breakfasts must meet Federal meal requirements, though decisions about which specific foods to serve and how they are prepared are made by local school food authorities.

## **AFTERSCHOOL SNACK:**

The National School Lunch Program (NSLP) now offers cash reimbursement to help schools serve snacks to children after their regular school day ends. Afterschool snacks give children a nutritional boost and draw them into supervised activities that are safe, fun and filled with learning opportunities.

### FRESH FRUIT & VEGETABLE PROGRAM (FFVP):

The Fresh Fruit and Vegetable Program provide all students in selected elementary schools with high free and reduced price enrollment with a wide variety of healthy fresh fruits and vegetables meal during the school day. The FFVP program creates a healthier school environment by providing healthier food choices; expand the variety of fruit and vegetables; increase children's fruit and vegetable consumption; and makes a difference in the children's diet to impact their present and future health.

### USDA FOODS (COMMODITIES):

The USDA Foods program supports Federal nutrition assistance programs, including the National School Lunch Program (NSLP). More than 180 nutritious food items are available – fresh, frozen, packaged, canned, dried, and bulk. Help schools meet meal pattern requirements; support the *Dietary Guidelines for Americans*; increase wholesome offerings of fruits, vegetables and whole grains, lower fat options; leaner meats; and reduce sodium and reduce added sugars foods.

### SUPPER PROGRAM:

Child and Adult Care Food Program (CACFP) provides aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

CACFP is a federally-funded program administered by the Wellness & Nutrition Service Division.

### HEALTHY SCHOOL ACT (HSA):

The Healthy Schools Act of 2010 (D.C. Law 18-209) and Amendment Act of 2011 of the District of Columbia establish local nutrition standards for school meals; establish healthy vending, fundraising, marketing, and prize requirements in public schools participating in the federal meal programs; solicit feedback about healthy meals; require public disclosure of ingredients, origin of fruit and vegetables and the nutritional content of school meals; require teaching about the benefits of fresh, and local foods; provide at least 30 minutes to eat lunch; establish a farm-to-school program; create a preference and a monetary incentive to serve locally-grown, unprocessed foods; and establish minimum levels of physical education and activity for students.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION Wellness & Nutrition Services  
Division Application/Agreement between School Food Authority and State Agency  
National School Lunch, School Breakfast and Afterschool Snacks:

- THE SCHOOL FOOD AUTHORITY AGREES: to accept Federal funds and/or donated foods in accordance with applicable regulations and any amendments thereto. The School Food Authority, and participating schools under its jurisdiction agree to comply with all provisions thereof, and with any instructions or procedures issued in connection therewith. The School Food Authority further agrees to administer programs funded under this Agreement in accordance with provisions of the Uniform Federal Assistance Regulations (7 CFR Part 3015).
- THE SCHOOL FOOD AUTHORITY AGREES: that the School Food Authority will manage the approved program(s) in accordance with the USDA's regulations and will, where applicable to the conduct of each aforementioned program, conform to the following requirements:
- The Office of the State Superintendent of Education (OSSE) here in referred to as the "State Agency" as the designated authority to administer the United State Department of Agriculture (USDA) child Nutrition Programs and the School Food Authority, whose name and address appear above, agree as follows:
- THE STATE AGENCY AGREES: to the extent of funds available, to reimburse the School Food Authority for the programs it operates, as designated below, in accordance with whichever of the following regulations are applicable to such programs: National School Lunch Program Regulations (7 CFR Part 210), School Breakfast Program Regulations (7 CFR Part 220), Nutrition Education and Training Program Regulations (7 CFR Part 227), Determining Eligibility For Free and Reduced Price Meals (7 CFR Part 245), and any amendments thereto.

FARM APPLICATION (Student Eligibility for School Meals):

The purpose of the application for free and reduced price school meals is to determine if a student's household is eligible for school meal benefits based on income or categorical eligibility. In some instances, School Food Authorities (SFAs) may request additional information on applications if it could provide a benefit to the applicant. Applicants are notified that the information will be shared for the purposes of providing that benefit and it does not create a real or perceived barrier to participation in the Child Nutrition Programs. All schools participating in the NSLP or SBP must make free and reduced price meals available to eligible children in compliance with Federal and

State requirements pertaining to free and reduce price meals. OSSE will provide SFAs the approved FARM application annually.

- **Direct Certification** is the process under which SFAs certify children who are members of households receiving assistance under the Assistance Programs (SNAP, TANF or FDPIR) as eligible for free school meals, without further application, based on information provided by State/local agency administering those programs. Eligibility for free meals is extended to all children in a household if one member has been directly certified as eligible under the Assistance Programs. These children are also considered directly certified. SFAs may be able to use school district enrollment records to determine additional children who are part of the family but were not identified through direct certification.
- **Verification** is confirmation of eligibility for free and reduced price meals under the NSLP and SBP. Verification is only required when eligibility is determined through the application process, not through direct certification. Each SFA must annually verify eligibility of children from a sample of household applications approved for free and reduced price meal benefits for that school year. **The sample size must be based on the October 1 sample pool.**

#### Procurement:

- Generally, the purchasing of goods and services per the Formal procurement regulations and guidelines 7 CFR parts 210, 215, 220, 245, 3016 (Sections 3016.36(b)-(i), 3016.60 2/, 3/), and 3019 (Sections 3019.40-48)
- This process involves:
  - distinct phases of planning;
  - drafting specifications; (decision making)
  - advertising the procurement;
  - awarding a contract; and
  - managing the contract (control/monitoring)

#### **Procurement documents:**

- OSSE approved prototype Invitation for Bid (IFB) or Request for Proposal (RFP) solicitation
- Sample newspaper ad
- The State Agency must approve your IFB or RFP and newspaper ad before advertising

### Local Wellness Policy:

Any school that participates in the National School Lunch Program, and elects to participate in the Healthy Schools Act Program must establish a Local Wellness Policy with the objectives of:

- Setting goals for nutrition education, physical activity, and promoting student wellness
- Setting nutrition guidelines for all foods available on school campus during the school day
- Assuring nutrition guidelines for school meals will not be less restrictive than federal policy
- Establishing a plan for measuring effectiveness
- Involving physical education teachers, school health professionals, parents, students, and representatives from the SFA, school board, school administration, and the public in the development of the Local Wellness Policy

Beginning school year 2011-2012:

- Team of collaborators' purpose is expanded beyond the development of a local wellness policy to include the implementation of periodic review and updates.
- SFAs are to permit physical education teachers and school health professionals on the team of collaborators to develop and review local wellness policy.
- SFAs are to inform and update the public (including parents, students, and others in the community) about the content and implementation of the local wellness policies. SFAs are also required to make available to the public an assessment of the local wellness policy including:
  - The extent to which schools are in compliance with the local wellness policy;
  - The extent to which the SFA's local wellness policy compares to model local school wellness policies; and
  - The progress made in attaining the goals of the local wellness policy.

Acceptable methods for informing and updating the public may include dissemination of printed or electronic materials to families of school children and other members of the community at the beginning of the school year and/or posting on the district or school website. Whatever method is chosen, the information must be made available to the public by SFAs in an accessible, easily understood manner.

### Water during Meal Service:

Schools participating in the National School Lunch Program must make potable water available to children at no charge in the place where lunch meals and afterschool snacks (if school participates in the Afterschool Snack Program) are served during the meal service. There are a variety of ways that schools can implement this requirement. For example, schools can offer water pitchers and cups on lunch tables, a water

fountain, or a faucet which allows students to fill their own bottles or cups with drinking water. Whatever method is used, the water must be available without restriction in the location where meals are served. While potable water is required to be made available to students, it is not considered part of the reimbursable meal and students are not required to take the water. Although, reimbursement is not available for this requirement, reasonable costs associated with the provision of potable water would be an allowable expense to the non-profit food service account.

### **Frequently asked questions regarding water during meal service:**

#### **Location Requirement**

**1. Q. The HHFKA requires potable water be “in the place where meals are served during meal service”. Can you provide additional detail on what this means?**

A. The location of the potable water must be in the foodservice area or immediately adjacent to the meal service area. For example, if a school has a water fountain that is immediately outside the door to the foodservice area (and accessible to all students during the lunch period) this could be considered sufficient. The water fountain must be operational and able to provide potable water to students in a reasonable time during their meal period.

**2. Q. If there is a water fountain in the food service area available to students during the meal period, would this meet the requirement?**

A. Yes. This meets the requirement, as long as the students have sufficient time to use the water fountain during their meal period. It is important to consider the amount of time it takes students to obtain water; children should not have to wait in long lines.

**3. Q. We have two water fountains in the courtyard outside the cafeteria. Would this be acceptable?**

A. Only if the water fountain is adjacent to the foodservice area and children are routinely allowed access to this area during the meal.

**4. Q. Is water required in each location if a school has multiple locations in which they are serving NSLP?**

A. Yes. Water must be available in each of the meal service locations.

#### **Reimbursement:**

**THE STATE AGENCY AGREES:** to the extent of funds available, to reimburse the School Food Authority for the programs it operates, as designated below, in accordance with whichever of the following regulations are applicable to such programs: National School Lunch Program Regulations (7 CFR Part 210), School Breakfast Program Regulations (7 CFR Part 220), Nutrition Education and Training Program Regulations (7 CFR Part 227), Determining Eligibility For Free and Reduced Price Meals (7 CFR Part 245),

and any amendments thereto. The State Agency agrees further to make payments, where applicable, in accordance with the Cash in Lieu of Donated Foods Regulations (7 CFR Part 240), and any amendment thereto: and to donate foods in accordance with Donation of Foods for Use in the United States, its Territories and Possessions and Areas under its Jurisdiction. Regulations (7CFR Part 250), or under the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (7CFR Part 3016), as applicable, and any amendments thereto.

**THE SCHOOL FOOD AUTHORITY AGREES:** to accept Federal funds and/or donated foods in accordance with applicable regulations and any amendments thereto. The School Food Authority, and participating schools under its jurisdiction agree to comply with all provisions thereof, and with any instructions or procedures issued in connection therewith. The School Food Authority further agrees to administer programs funded under this Agreement in accordance with provisions of the Uniform Federal Assistance Regulations (7 CFR Part 3015).

**THE SCHOOL FOOD AUTHORITY AGREES:** that the School Food Authority will manage the approved program(s) in accordance with the USDA's regulations and will, where applicable to the conduct of each aforementioned program, conform to the following requirements:

1. Operate a non-profit food service and use program revenue only for program purposes, except that such revenue shall not be used to purchase, acquire or construct buildings.
2. Establish such rules or regulations as are necessary to control the sale of food in competition with meals served under the program.
3. Maintain a financial management system as prescribed by the USDA, Food and Nutrition Service Regional Office (FNSRO).
4. Maintain full and accurate records of operations under this Agreement, including those set forth herein, and retain such records for a period of three years after the end of the school year to which they pertain, unless such records are part of an unresolved audit which thereby extends the three-year period. Records of revenue and expenditures must be maintained in such a manner as to reflect the non-profit status of the food or milk service.
5. Count the number of free, reduced price, and paid meals served to eligible children at the point of service, or through an alternative counting system which has been approved by the **State Agency**.

6. Claim reimbursement only for meals served to eligible children at the rate(s) assigned by the USDA. Recognize that the School Food Authority official who signs the claim is responsible for reviewing and analyzing meal counts to ensure accuracy, and that failure to submit accurate claims shall result in the recovery of an over-claim.
7. Submit claims for reimbursement in accordance with procedures established by the USDA and State Agency. Claims for reimbursement not filed within 60 days following the claiming month shall be disallowed. Any exception to this requirement shall be made at the discretion of the Office of the State Superintendent of Education.
8. Make available to the USDA and State Agency for review or audit at any reasonable time and place, all accounts and records pertaining to operations under this Agreement.
9. Limit the net cash resources for its non-profit school food service to an amount that does not exceed three months average expenditures or such other amount as may be approved by FNSRO.
10. Serve meals that meet the requirements prescribed in current regulations 7 CFR Parts 210 or 220.
11. Price the meal as a unit, except in non-pricing meal programs where, as described in the application, no specific charge is made.

### Civil Rights:

The purpose of this information is to notify participants of the Federal School-Based Child Nutrition Programs of program policies regarding civil rights and provide guidance on nondiscrimination in the administration of these programs.

This information outlines specific responsibilities, requirements, and procedures for federally-assisted programs to ensure federal, state, and local compliance with the provision of Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973.

After each specific responsibility/requirement is identified, suggested ways to meet the responsibility/requirement are listed.

### **SFA Responsibilities**

- Collect and maintain data regarding the target population by racial/ethnic category. Examples include fall housing report, census data, demographic maps, and data provided by child nutrition program participation approval letter.

- Collect and maintain racial/ethnic participation documentation. Methods include staff observation or voluntary self-identification by applicants on the free and reduced-price application forms.
- Maintain all program information for three years plus the current year. Safeguards should be exercised to ensure the data is available only to authorized personnel.

### Program Operations

- Denied free and reduced-price applicants should not be disproportionately composed of minority groups.
- Admission procedures should not restrict enrollment of minority persons.
- Program operations should not discriminate against participants based on race, color, national origin, sex, age, or disability. Examples include seating arrangements, serving lines, services and facilities, assignment of eating period, and selection of applications for verification.

### Training

- Must provide civil rights training to their sub recipients, including *front-line staff*, on an annual basis. To assist in training, PowerPoint presentations and a sample training documentation form are available at <http://www.osse.dc.gov/service/national-school-lunch-program>
- *Frontline staff* is defined as those who interact with program applicants or participants and those persons who supervise frontline staff.
- Specific subject matter for training must include: collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

### Public Notification

- Display in a prominent place a USDA poster containing the nondiscrimination statement and the federal procedure for filing a complaint. Posters may be obtained by contacting Wellness and Nutrition Services Division at 727-1839
- All printed school nutrition program informational materials, such as free and reduced-price meal notification letters and public releases, must include the following nondiscrimination statement and complaint procedures: *In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.*
- If the material is too small to permit the full statement above, the material, at a minimum, must include the following statement in font size no smaller than the text of the material. *This institution is an equal opportunity provider.*
- Provide information in the appropriate translation concerning the availability and nutritional benefits of the school nutrition program, as needed. This requirement can

be met through the use of bilingual staff members, volunteers, and/or informational materials in appropriate languages.

- Provide school nutrition program information to the parents and local minority and grassroots organizations upon request; examples include letters, brochures, and public releases.
- Develop and implement a procedure to process civil rights complaints. A civil rights complaint procedure may be developed by the SFA. Persons who believe they have been discriminated against in any USDA-related activity may be advised to write: *USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through*

### Food Safety Plan:

School Food Authorities are responsible for developing a comprehensive food safety plan for food preparation and service at all site (s) that is based on Hazard Analysis and Critical Control Point (HACCP) principles and must conform to guidance issued by the USDA. Standard operating procedures for safe food handling must include any facility or part of a facility where food is stored, prepared, or served, such as on a school buses, in hallways, school courtyards, kiosks, classrooms or other locations outside the cafeteria for SBP, NSLP, Afterschool snack and supper programs

A school food safety program must include the following elements:

- **A Written Food Safety Plan** – A food safety plan must be developed for each food preparation and service site. The food safety plan must include how to apply HACCP principles by doing the following:
  - Documenting recipes/menu items in the appropriate HACCP process category
  - Documenting Critical Control Point food production
  - Monitoring
  - Establishing and documenting corrective actions
  - Record keeping
  - Reviewing and revising the overall food safety
- **Documented Standard Operating Procedures (SOPs)** – SOPs are a very important fact in developing an effective food safety plan. An SOP serves as a specific food safety process and is designed to control hazards not outlined specifically in the general HACCP plan. For example, soiled and un-sanitized surfaces of equipment and utensils should not come into contact with raw or cooked (ready-to-eat) food. Proper procedures to prevent this should be covered by an SOP.

Each of these required elements is explained in more detail in the USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the

Process Approach to HACCP Principles. Training materials, including food safety templates, USDA guidance documents and sample SOP are available upon request.

### Food Sanitation Inspections:

Schools that serve meals under the National School Lunch Program (NSLP) and School Breakfast Program (SBP) are required to maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations. In addition, **schools are required to obtain two school food safety inspections per school year**, which are to be conducted by a State or local governmental agency responsible for food safety inspections (see 7 CFR 210.13 for the NSLP regulations and 7 CFR 220.7 for the SBP regulations at [www.fns.usda.gov/cnd](http://www.fns.usda.gov/cnd)). Copies of these inspections must be maintained at the SFA site (s). The most recent food sanitation report must be posted in a predominant location that is viewable by the general public; i.e. eating area or near school office.

SFAs that have not received a food sanitation inspection several months into the school year must write a letter to the local health department, requesting the required two food service inspections for each site where food is prepared or served. The letter must be maintained at the SFA or at each site as documentation of your attempt to comply with two food inspections as required by USDA regulations.

### Record Retention:

Documentation related to the school-based child nutrition program must be maintained on file at the site or the SFA office for three years plus the current year or in the case of an audit or investigation which extends beyond the three years plus current year, documents must be kept until the audit or investigation is completed. Documentation refers to any materials related to certification, verification, benefit issuance and claiming, including but not limited to, Household Eligibility Applications, verification letters to families, verification documents received from families, submitted menus, production records, and procurement.

### Cooperation with Research and Evaluation:

Institutions participating in the Child Nutrition Programs are required to cooperate with the Department of Agriculture officials and contractors conducting evaluation and research.

### Use of Funds in the Nonprofit School Food Service Account:

Revenues received by the nonprofit school food service area are to be used only for the operation or improvement of such food service, except that such revenues shall not be used to purchase land or buildings or to construct buildings.

The SFA shall limit its net cash resources to an amount that does not exceed three months average expenditures for its nonprofit school food service.

Costs charged to the nonprofit school food service account must be both necessary and reasonable.